

REMARKS

After entry of this response, claims 2-4, 9, 12, 14, 15, and 26-28 remain pending in the present application. No claims are amended. no claims are added or cancelled. Applicant respectfully requests reconsideration by the Examiner in light of the following remarks.

I. Rejection under 35 USC § 102

Claims 2-4, 9, 12, 14, 15, and 26-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Splett, et al. (US 6,599,242 hereinafter “Splett”). Applicant respectfully traverses the rejection.

All claims of the present application require that the data collected be successively stored at two temporal resolution levels. The first required resolution level is the resolution at initial storage in short term memory, which resolution is less than that of the sampled signal. The stored values are accumulated over a storage interval associated with the short term memory. Splett discloses sampling bandpass filtered input signals at 128 or 256 Hz and then compressing them using a turning point compression algorithm, including compressing them after initial storage. The resolution of the turning point algorithm is about $\frac{1}{2}$ the resolution of the sampled signal, i.e. approximately 128 or 64 Hz. See Column 9, lines 41 – 67, column 10, lines 1 – 32 and column 12, lines 60 - 67. This aspect of the Splett device generally corresponds to the storage of signals at a lesser resolution than the sampling frequency. However, that's really as far along in the claims as Splett goes.

For the sake of completeness, it should be noted that filtration of the signals before sampling as discussed in column 11 cannot not meet the requirement of storing the signals at a reduced resolution from the previously stored signals, as the signals are not stored before filtering.

The claims further require determining a statistical aspect of the stored parameter values in the temporary buffer upon expiration of the storage interval. The text at column 13 cited by the Examiner as providing this function is merely a more detailed recitation of the turning point compression algorithm as discussed above. As such, the discussion relates to the preceding required operation of storing the signals in short term memory, not to any subsequent statistical analysis of the stored, compressed signals as would be required by the claims. The compression of the sampled signals in Splett cannot properly be relied upon as corresponding to both the storage of signals at a reduced resolution and to the statistical analysis of those stored compressed signals.

Moreover, the claims require writing the statistical aspect as it is determined for a plurality of the predetermined storage intervals to a long-term memory buffer, the long-term memory buffer storing the statistical aspects for a long-term storage interval, the long-term memory buffer thereby storing statistical aspects having a temporal resolution of the parameter values corresponding to the predetermined storage interval of the temporary memory buffer. The turning point algorithm of Splett produces signals which have a temporal resolution of approximately $\frac{1}{2}$ of the sampling rate. The fact that the multiple compressed signals are stored in a memory over time in Splett necessarily means that whatever memory is argued to correspond to the "temporary storage buffer" of the claims has a temporal resolution much greater than the duration of its storage interval. As such, in the absence of the separate operation of determining a statistical aspect of the stored values, even transferring the compressed data to another memory would not meet this requirement of the claims.

Withdrawal of the rejection over Splett is respectfully requested.

II. Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

November 11, 2009

Date

/Reed A. Duthler/

Reed A. Duthler
Reg. No. 30,626
(763) 526-1564
Customer No. 27581